

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARK STAAKE,

Plaintiff

vs.

No. CV 19-01193 RB/GJF

DAVID JABLONSKI,  
et al.,

Defendants.

**ORDER DENYING MOTION FOR EXTENSION OF TIME  
TO MAKE PARTIAL PAYMENTS AS UNNECESSARY**

**THIS MATTER** is before the Court on the Motion for Extension of Time to Make Partial Payments filed by Plaintiff Mark Staake. (Doc. 14). In his Motion for Extension of Time, Staake seeks a two-week extension of time to make a partial payment of the filing fee in this case. Because the filing fee has already been paid and the Court has not ordered any partial payment from Staake, the Court will deny the Motion.

The full filing fee for this civil rights proceeding was paid by the Defendants when this case was removed from state court on December 19, 2019. Staake subsequently filed a Financial Affidavit Application to Proceed in *Forma Pauperis* (Doc. 3) and a Motion to Proceed in *Forma Pauperis* (Doc. 7). Noting that the fee had already been paid, and that Staake's Application and Motion were unnecessary, the Court granted Plaintiff Staake leave to proceed *in forma pauperis* and waived any initial partial payment. (Doc. 12).

The Court will deny Staake's request for an extension of time because there is no time period to extend. The Court has not ordered Staake to make any partial payment. Further,

**STAAKE SHOULD NOT SEND ANY PARTIAL PAYMENT TO THE COURT IN THIS CASE.**

Under 28 U.S.C. § 1915(b)(3) states that “[i]n no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action.” The Court is prohibited from accepting a partial payment from Staake where the full amount of the fee has already been paid. § 1915(b)(3).

**IT IS THEREFORE ORDERED** that the Motion for Extension of Time to Make Partial Payments filed by Plaintiff Mark Staake (Doc. 14) is **DENIED**.



UNITED STATES MAGISTRATE JUDGE